

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	8:13CR108
)	
Plaintiff,)	MOTION TO SUPPRESS
)	EVIDENCE RESULTING FROM
v.)	SEARCH OF "ACTIVATING"
)	COMPUTER
KEVIN PITMAN,)	
)	
Defendant.)	

COMES NOW Defendant, Kevin Pitman, by and through his attorney of record, Julie A. Frank, moves for an Order of the Court suppressing all evidence resulting from the execution of the search warrant "In the Matter of Search of Computers that access the website "Hidden Service B" located at s7cgvirt5wvojl5.onion. In support of this motion, Defendant shows to the Court as follows:

1. Defendant seeks the suppression based upon the Government's failure to comply with Title 18 U.S.C. § 3103a(b)(3) and Fed. R. Crim. Pro. 41.
2. More specifically the warrant authorized a 30 day delay in the notice required under Fed. R. Cr. Pro. 41(f)(1)(C). Nevertheless, the Government has failed to provide notice to Mr. Pitman of the search and seizure of information from his computer.
3. Additionally, the Government has failed to comply with Rule 41(f)(1)(D) by failing to return and inventory of the seized information.

WHEREFORE, the Defendant requests that a hearing be had and that his Motion to Suppress be sustained.

Kevin Pitmam,
Defendant,

By s/Julie A. Frank
Julie A. Frank, #15945
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CERTIFICATE OF SERVICE

I hereby certifies that on October 18, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent information of such filing to the following: Michael Norris, Keith A. Becker, Sarah Chang, and Joseph F. Gross, Jr.

s/Julie A. Frank
Julie A. Frank, #15945
Attorney for Defendant
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